

Exhibit 3

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
1:23CV00878-TDS-JEP

DEMOCRACY NORTH CAROLINA;)
NORTH CAROLINA BLACK ALLIANCE;)
LEAGUE OF WOMEN VOTERS OF)
NORTH CAROLINA,)
Plaintiffs,)
)
vs.)
)
ALAN HIRSCH, in his official capacity)
As CHAIR OF THE STATE BOARD OF)
ELECTIONS; JEFF CARMON III, in his)
official capacity as SECRETARY OF THE)
STATE BOARD OF ELECTIONS; STACY EGGERS)
IV, in his official capacity as MEMBER)
OF THE STATE BOARD OF ELECTIONS;)
SIOBHAN O'DUFFY MILLEN, in her)
official capacity as MEMBER OF THE)
STATE BOARD OF ELECTIONS; KAREN)
BRINSON BELL, in her official capacity)
as EXECUTIVE DIRECTOR OF THE STATE)
BOARD OF ELECTIONS; NORTH CAROLINA)
STATE BOARD OF ELECTIONS,)
Defendants)

DEPOSITION

OF

PAUL GREY MILLS, JR.

September 13, 2024 - 10:02 a.m.

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Raleigh, North Carolina

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1 Q. Sure. I guess I'm a little bit confused by what you
2 mean by improved. Because you say, sure, you're only going to
3 pass legislation if you think something can be made better. Is
4 that fair to say?

5 A. Absolutely.

6 Q. So making things better in the context of same-day
7 registration would seem to suggest that you have identified a
8 problem or an issue or a concern that needed to be improved
9 about same-day registration, is that right?

10 A. The issue and problem of concern was the two mailings
11 and notification coming back too late to the board.

12 Q. Okay. Tell me a little bit more about that.

13 A. Just as I described it.

14 Q. So the concern was that the mailings were coming back
15 too late to the county boards?

16 A. Correct.

17 Q. For same-day registrants?

18 A. So you would have an improper vote count.

19 Q. An improper vote how?

20 A. It shouldn't have been counted. It was improper.

21 Q. Why was it improper though?

22 A. Well, a vote can be improper for any number of
23 reasons. You have got to be a -- you have to be a registered
24 voter to vote and to be a registered voter you have got to be a
25 citizen. You need to live for the districts -- for instance, I

1 represent House District 95. It ought to be the people in
2 House District 95 who are voting for that -- for me in that
3 seat, who are voting for my opponent in that seat.

4 Q. Okay.

5 A. You can have improper votes for --

6 Q. And the same-day registration process was producing
7 improper votes?

8 A. It could be better. We needed to improve the process.

9 Q. Because it was producing improper votes or for some
10 other reason?

11 A. Because it could and did produce improper votes being
12 counted. If you can improve something, you need to do it.

13 Q. So it did produce improper votes being counted and
14 that's why it needed to be improved, is that fair?

15 A. Yes. But also you have got to protect the integrity
16 of the vote. You need people to feel good about the vote.

17 Q. Okay. So is the people feeling good about the
18 integrity of vote, is that -- how does that relate to whether
19 or not improper votes are being counted? I guess to rephrase
20 my question slightly since I recognize that was a little
21 confusing. Could someone be concerned about the integrity of
22 vote in a situation where there weren't improper votes actually
23 being counted?

24 A. Could someone be concerned about the integrity of the
25 vote where there weren't improper votes being counted?

1 Q. Correct.

2 MR. STRACH: Objection. Go head.

3 THE WITNESS: They could be concerned about a
4 number of reasons. They could be concerned about the polling
5 place was not open long enough. They could be concerned that,
6 you know, a notice wasn't proper. So yeah, I mean, you can --
7 people are concerned about a lot of things in elections.

8 BY MR. SHENTON:

9 Q. But that's not always a one-to-one relationship with
10 improper votes actually being cast?

11 MR. STRACH: Objection. Go ahead.

12 THE WITNESS: I don't understand the question.

13 BY MR. SHENTON:

14 Q. Okay. Let me see if I can rephrase it.

15 A. Okay.

16 Q. In your experience, are people who are concerned about
17 same-day registration -- what -- let's put it this way. People
18 who are concerned about same-day registration, what is it
19 specifically that they're concerned about with the process?

20 A. People want to make sure that we have an accurate vote
21 count of proper votes.

22 Q. So the concern is that the same-day registration
23 process as it was before Senate Bill 747 might not be
24 accurately counting proper votes? Is that fair to say?

25 A. Votes could be counted that weren't proper votes.

1 Q. Which votes were those?

2 A. I think 747 improves our voting process.

3 Q. Which votes were those that were being counted under
4 the old same-day registration system improperly?

5 MR. STRACH: Objection. Go ahead.

6 THE WITNESS: If you have someone who did not
7 live in the correct district, gave the wrong address. Could be
8 any number of reasons.

9 BY MR. SHENTON:

10 Q. Any others you've identified?

11 A. I mean, here today? I mean, it could be for any of
12 the reasons that make a vote improper. I mean, I think more
13 times than not it would be a mistake. Oh, I live in that
14 district or I don't, when they really don't or something of
15 that nature and they might vote in the wrong district.

16 Q. Okay. So someone might vote in the wrong place on
17 accident. Any other things this came up in that context of the
18 previous session discussion around same-day registration?

19 A. Came up in the -- are we talking about what happened
20 in the session before?

21 Q. We're talking about both.

22 A. Okay. So what's your question?

23 Q. So you identified one possible category of voters,
24 people who were mistaken about where they lived and using
25 same-day registration.

1 Do you agree with that?

2 A. I think it was more workable than the senate version.

3 I think we made it better, yeah.

4 Q. Is that why you made the change, to make it more
5 workable?

6 A. That's the reason I was onboard. Everybody seemed to
7 like that a lot better and it did seem to be more workable.

8 Q. And then you see in that green highlighting which they
9 label suggestions at the top, they have a recommendation to
10 allow students who have a current identification card for an
11 educational institution and appear on a current list of
12 students residing in on-campus housing to qualify under the
13 HAVA documents provision.

14 A. Yeah. A writing from the school?

15 Q. Yeah.

16 A. Yeah.

17 Q. Then they said this would match the current law, the
18 pre-747 law?

19 A. Yeah. It would be consistent.

20 Q. Did you adopt that recommendation?

21 A. I think our final version has that as the last thing
22 listed, a letter from an institution.

23 Q. Okay.

24 A. I think it does.

25 Q. Do you see anywhere in that section, which does

1 A. Okay.

2 (Audio played.)

3 Q. So we stopped at 41 minutes, 58 seconds. Do you
4 recognize the voices that were speaking there?

5 A. That was Representative Harrison asking the question.

6 Q. And do you recognize the voice that was responding to
7 it?

8 A. That was Jessica, central staff.

9 Q. So that question and answer was talking about how
10 college students were going to vote under this same-day
11 registration provision.

12 Did you consider how college students were going to
13 vote under the new same-day registration provision? Was that
14 something you specifically considered?

15 A. Yes. That's the reason this item six was in there.
16 If I remember correctly, Representative Harrison had spoken to
17 staff and myself and others previously.

18 Q. And did you think that was a good change to the bill?

19 A. I think we have a good bill.

20 Q. Do you think it's reasonable to believe that young
21 voters or college voters would be disproportionally affected by
22 changes in same-day registration?

23 MR. STRACH: Objection. You can answer.

24 THE WITNESS: No. People who move may be.

25 BY MR. SHENTON:

1 Q. Do you think college students are more likely to move
2 than others?

3 A. Well, again, my personal experience, I have three
4 college kids and I don't see that. I didn't see them having
5 any issue. I mean, my son is issued a college I.D. and we've
6 got the provision here for the institution. You know, you can
7 come up with any number of ways where somebody might be -- you
8 know, might take extra effort, but we have got ways around
9 that. So, you know, when somebody moves they have got to do a
10 number of things. They've got to change their banks. They've
11 got to change their insurance statement. And you got to change
12 your voter registration too if you want to vote.

13 Q. Can we go to 51:27? This is going to be minute 51 and
14 27 seconds of the same committee hearing. Same thing. Listen
15 to it and we'll talk a little bit about it after.

16 (Audio played.)

17 Q. Stopped at 52 minutes and 32 seconds. Do you
18 recognize the people speaking on that?

19 A. I believe that was Representative Davis and that was
20 central staff. That was Jessica Sammons answering the
21 question.

22 Q. So Representative Davis was asking whether the
23 provisional ballot and the retrievable ballot provisions from
24 the senate and house versions of 747 were aimed at the same
25 thing, aimed at making sure that someone was who they say they

1 A. Okay. Of undeliverable mail. Okay. Yeah, I don't
2 know.

3 Q. If that were true, would it surprise you? I guess
4 that's my question.

5 MR. STRACH: Objection. Go ahead.

6 THE WITNESS: Yeah, I don't know. I have had
7 -- look, I have told you earlier today that we use the postal
8 service. We were before this bill. Long before this bill.
9 That's what the county boards use. That's what the state board
10 uses. We use the postal service. We use it in other aspects
11 of our lives. We didn't change that aspect of the bill.

12 BY MR. SHENTON:

13 Q. Okay. Do you think the two mailer system has more
14 margin for error than the one-mailer system?

15 A. I don't have an opinion to that. As I said, you know,
16 I've used the mail all my life. We used mail before this bill.

17 Q. So one is just as good as two?

18 A. I think -- yes, I think that it's reliable service and
19 that's the reason we use it. That's the reason why we use it
20 in the legal field too.

21 Q. Did you commission a study on same-day voting at any
22 point during the 747 process?

23 A. Did I commission a study? No, I did not commission
24 any studies.

25 Q. Did you direct anyone to commission a study?

1 A. A study of what?

2 Q. Of same-day registration statistics in North Carolina.

3 A. No, I did not -- I did not ask anyone to study
4 anything.

5 Q. Did you review any such study?

6 A. I'm not sure.

7 Q. Do you remember reviewing any such study?

8 A. It's possible.

9 Q. But no specific recollection comes to mind?

10 A. No.

11 Q. Did you ever see any demographic breakdowns of
12 same-day registration usage in North Carolina?

13 A. No, not that I recall.

14 Q. Didn't request any?

15 A. No.

16 Q. Didn't request any data on how many people fail the
17 first mailer but pass the second mailer?

18 A. I did not request any data.

19 Q. Didn't request any data on people who failed both
20 mailers?

21 A. I didn't request any data.

22 Q. Didn't request any data on people who make
23 reregistration attempts at the same address where they failed
24 verification previously?

25 A. I did not make any such request.

1 Q. Okay. Without having requested any information, were
2 you generally aware of the demographics of the people who use
3 same-day registration in North Carolina?

4 A. That could be anybody. I mean, I think it's probably
5 most people that move. If you move you -- and you move at a
6 time close to election, you're probably going to be the person
7 using same-day voter registration. That's what it's for.

8 Q. You didn't have any understanding that that was people
9 who were more men than women or older people than younger
10 people?

11 A. People who move. Everybody moves. Women move. Men
12 move.

13 Q. No understanding of any demographic breakdowns like
14 that?

15 A. No.

16 Q. Just got one more line of questions for you and then I
17 think we can wrap it up. I unfortunately don't have a
18 recording for this one, but I'll represent to you that in the
19 committee meeting for the House Elections Committee a
20 representative said, quoting their daughter, she said the
21 problem is that college students don't understand the issues of
22 the local politics or the local people. And she says
23 effectively, when you have a big university in a college town
24 the college students effectively have the ability to completely
25 eliminate essentially the representation of the local people

1 because they don't understand the issues. Sometimes they're
2 just voting for whatever reason. Voting.

3 Do you agree with that statement?

4 A. I don't know who said that and I wouldn't necessarily
5 agree with that.

6 Q. Do you agree that college students don't understand
7 the issues of the local population?

8 A. No, I don't necessarily agree with that. I don't
9 think that probably a lot of college students seek to move
10 their registration. Some of them intend to move back home.

11 Q. Do you agree that college students effectively have
12 the ability to completely eliminate representation of local
13 people?

14 A. I wouldn't agree with that. I don't know who said
15 that. I don't recall any committee. And I don't know what
16 context they were talking about. It's hard to comment on that.

17 Q. Okay. Do you have any general understanding of where
18 young voters live in North Carolina?

19 A. Well, Charlotte is a fast-growing city and they claim
20 that it's the -- a city that many people who graduate college
21 seek to move to.

22 Q. Anywhere else?

23 A. I'm sure Raleigh. I would imagine urban areas, but I
24 don't know. You know, I live in a fast-growing city. They
25 said that my town was the fastest growing suburb in the state

1 or something. I work close to Charlotte. So we have young
2 people moving even to Iredell County. So, you know, it's a
3 growing state.

4 Q. Any awareness of any unique challenges with respect to
5 transportation or HAVA documentation that young voters have?

6 A. Any what?

7 Q. Do you have any understanding of transportation
8 challenges that young voters have?

9 A. What do you mean?

10 Q. Not as many young voters have access to a reliable
11 form of transportation, like a car they own?

12 A. Well, yeah, there's people that don't have access to
13 cars because they don't own cars.

14 Q. Would you say that's more common for young people?

15 A. I don't know if it's more common to young people, old
16 people, poor people, people that choose to live in an urban
17 area versus people that live in the rural area. I don't know.

18 Q. Do you have any understanding of which methods of
19 voting young people prefer?

20 A. Well, the most preferred method is one-stop, I would
21 imagine that people who vote, and that's regardless of age. I
22 prefer one-stop. I don't think that's a young or old thing. I
23 just think it's convenient. I think people -- you know, on
24 election day it's busy. They're scared, oh, gosh, I'm going to
25 get held up in a line, so I'll one-stop. I'll go to one stop.

1 I'll, you know, go at a time that I don't think anybody is
2 going to be there. I mean, that's everybody. That's not just
3 age.

4 Q. So no specific understanding of how young voters
5 prefer to vote? Just generally people prefer one stop?

6 A. I would say the majority of people, including young
7 people, prefer one stop. We even had Director Brinson Bell
8 clarify that in one of our committee meetings. 60, 65 percent
9 of North Carolinians prefer one stop voting.

10 Q. Do you have any understanding of the proportion of
11 young voters as a part of the whole North Carolina electorate?

12 A. I mean, I have seen facts and figures. You know, when
13 you're in politics you look at those things, but I can't tell
14 you what it is here today.

15 Q. Do you have any understanding of how young people tend
16 to vote, which types of candidates they tend to prefer?

17 A. It depends. Depends on the candidate.

18 Q. But no generalized sense of who young voters tend to
19 prefer?

20 A. No, it depends on the candidate.

21 Q. Do you have any understanding of why young voters
22 might have a harder time getting a HAVA document, like an
23 electricity bill with their name on it?

24 A. If they're a resident then, you know, they're in the
25 same position of everybody else. They're going to have to